

REMARKS/ARGUMENTS

Claims 71-79 and 93-112 remain in the application for further prosecution. Claims 71, 93, 102, and 109 (*i.e.*, all the independent claims) have been amended.

§ 102 Rejections

Claims 71-79, 93-109, and 111-112 have been rejected under 35 U.S.C. § 102(e), as allegedly being anticipated by U.S. Patent No. 7,267,614 to Jorasch *et al.* ("Jorasch"). Claim 110 has been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jorasch.

Telephone Interview

The Applicants note with appreciation the telephone interview conducted with Examiner Emmanuel Omotosho on November 13, 2008. The Examiner agreed with the Applicants' representatives (Sorinel Cimpoes and Jeremie Moll) that the pending claims are novel and patentable over the cited art of record at least for the applicable reasons stated below.

Each of the independent claims has been amended to clarify that the claimed game button is "physically mounted on or within a gaming machine to receive selections related to a wagering game." In contrast, Jorasch discloses a gaming token 208 (illustrated in FIG. 3) that has a variable value and that can be inserted or dispensed from a gaming device. Jorasch, col. 1, ll. 46-62. The gaming token 208 has a plurality of electronic components 400, including a processor 402. *Id.* at col. 6, ll. 65-67. The Examiner agreed that the token disclosed by Jorasch is not a game button. Thus, the pending claims are distinguishable over Jorasch at least because Jorasch fails to disclose the claimed game button.

Furthermore, even if the token of Jorasch would somehow be mischaracterized to be a game button (which it should not), one of ordinary skill in the art would not be motivated to mount the token on or within a gaming machine. As explained during the interview, one of ordinary skill in the art would simply not choose to place the gaming token 208 and its processor 402 in a place that is generally subjected to physical “pounding” by players. Electronic components, such as processors, are prone to failure when subjected to physical forces. The previously filed Declaration of Charles R. Bleich Under 37 C.F.R. § 1.132 (“Declaration of Bleich”) provides further details regarding why a person or ordinary skill would actually be discouraged from including a microprocessor in an individual game button at the time of the invention. *See, e.g.*, Declaration of Bleich, ¶¶ 12-13.

Conclusion

It is the Applicants' belief that all of the claims are now in condition for allowance and action towards that effect is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated.

A fee of \$490 for the two-month extension of time is being paid upon filing of the current response via the deposit account listed below. It is believed that no other fees are due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Nixon Peabody LLP Deposit Account No. 50-4181, Order No. 247079-000214USP1.

Respectfully submitted,

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